

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
:  
UNITED STATES OF AMERICA, :  
:  
v. : **ORDER DENYING REQUEST**  
: **FOR COUNSEL**  
ALI KOURANI, :  
:  
Defendant. :  
:  
:  
:  
X-----

ALVIN K. HELLERSTEIN, U.S.D.J.:

On May 16, 2019, a jury convicted Defendant Ali Kourani of providing material support to a terrorist organization, along with six other charges related to his provision of support to Hezbollah. The Second Circuit affirmed his conviction and sentence on July 27, 2021. *See United States v. Kourani*, 6 F.4th 345 (2d Cir. 2021). Defendant now requests that I appoint counsel. Although Defendant states that he “had moved pro-se for his federal habeas corpus,” there is no such motion before me in this case or any other. Even so, Defendant has previously expressed an intent to file a habeas petition, *see* ECF No. 165, and I construe Defendant’s request for counsel as request for counsel to assist in a potential habeas application.

It is well settled that there is no constitutional right to counsel in connection with a collateral attack on a conviction or sentence such as this one. *See United States v. Fleming*, 5 F.4<sup>th</sup> 189, 193 (2d Cir. 2021); *Hodge v. Police Officers*, 802 F.2d 58, 60-62 (2d Cir. 1986). Rather, appointment is discretionary upon consideration of factors including “likelihood of success on the merits, the complexity of the legal issues raised by the petition, and the petitioner’s ability to investigate and present the case.” *United States v. Doe*, 2005 WL 167601 at

\*1 (S.D.N.Y. Jan. 25, 2005). Having considered these and other factors, such as the availability of limited resources, I deny the motion for appointment of counsel.

The Clerk shall terminate ECF No. 171 and mail a copy of this order to Defendant.

SO ORDERED.

Dated: May 20, 2022  
New York, New York

/s/ Alvin K. Hellerstein  
ALVIN K. HELLERSTEIN  
United States District Judge